

# NAVAJO NATION EMPLOYEE COUNSELING SERVICES



**SUPERVISORY GUIDE** 

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### MISSION STATEMENT

Employee Counseling Services is committed to making a positive impact in the workplace and to help Navajo Nation employees and their immediate family members who may develop social, behavioral or health related problems that could affect their work performance.

### ORIENTATION TO EMPLOYEE COUNSELING SERVICES

The Navajo Nation Employee Counseling Services (ECS) is under the Insurance Services Department, which is located in Window Rock, AZ. ECS services include face-to-face assessment, counseling, referral and follow-up for any personal problems that may affect an employee's job performance. ECS services are free to the employees and their immediate family members who are covered under the Navajo Nation Insurance.

Counseling can be provided at the ECS office in Window Rock, the employee's worksite or at a designated location. Counseling is kept confidential in accordance with Navajo Nation Privacy & Access to Information Act. In order for any information to be disclosed about counseling sessions to management, the employee must give written permission specifying what information can be disclosed and to whom.

Examples of reasons employees seek assistance through the ECS include:

- Work-related difficulties
- Marital and family problems
- Crisis
- Depression
- Eating Disorders

- Alcohol and Drug Problems
- Financial/Credit matters
- Stress
- Anxiety
- Grief/Loss

ECS can also be an important tool for returning a troubled employee to productive work. Without ECS, an employer has minimal options if standard supervisory methods are ineffective for an employee who has poor job performance, conduct or attendance problems. An employer can recommend that the employee be assessed by the ECS Counselor to determine if personal issues are affecting job performance. If there are personal problems, ECS will help the employee resolve the problem by restoring the employee to an appropriate level of functioning. Referral to ECS can be made in conjunction with disciplinary action, or in lieu of it. However, the ECS referral is not a disciplinary action; it is a corrective action.

ECS also supports managers and supervisors by providing consultation and guidance on how to handle troubled employees. ECS can also assist in preparing for a meeting with the employee who has work performance and/or conduct problems. This support will increase the likelihood of a successful outcome and allow the employer to spend less time dealing with the personal problems that employees bring into the workplace. It also helps the supervisor remain in the supervisory role and avoid the role of counselor.

When employees inform the employer that they are having personal problems, the employer can remind them that the ECS offers free, confidential assistance. This allows the employer to offer help without becoming unnecessarily involved in an employee's personal life.

There are four types of referrals:

- **Self-Referral:** The employee confidentially and voluntarily seeks assistance on their own through ECS. Approximately 85-90% of all ECS referrals are self-referrals.
- Informal Referral: The supervisor encourages the employee to contact ECS when the employee has a personal problem even though job performance has not been affected. Examples would be when an employee has a temporary problem such as a divorce, loss of a significant other through death or a serious illness. It is helpful for the supervisor to remind the employee that ECS is available, free, and confidential.
- **Formal Referral:** A formal referral is made when the employee's job performance, attendance or conduct is problematic, possibly due to personal problems. This type of referral is discussed in detail below.
  - **Family Referral:** Employee initiates assistance for their family member through the ECS

### **DOCUMENTING JOB PROBLEMS**

The supervisor needs to document specific attendance, behavior and performance problems before formally referring the employee to ECS. Documentation helps prevent the supervisor from making subjective judgments and facilitates a successful referral.

Documentation includes the date, time and place of incident(s). All absences, tardiness, late work, reduced production, mistakes, accidents, changes in personal appearance, poor hygiene, poor employee relations, long lunches, early departures and attitude problems are to be recorded.

Stick to the facts--observable behavior--do not label, judge, or diagnose when documenting. Using the "Signs of a Troubled Employee Checklist" will assist in identifying specific behaviors that need documentation.

The following are examples of appropriate and inappropriate documentation:

### • Appropriate

The employee was late today (date, time). She appeared out of proper uniform. When confronted, the employee became belligerent, saying, (statements or acts). She interrupted while being corrected and appeared unwilling to accept feedback, saying, (statements made). She then left the room slamming doors. The noise was loud enough to be heard by others who came to investigate. Two employees reported feeling fearful of this worker's behavior stating, (statements).

### • Inappropriate

The employee was extremely late and obviously appeared hung over. She acted inappropriate when she was confronted and said that other employees come in later than her. The employee stormed out of the room and observers were stunned by the behavior. Two employees report that domestic problems cause her tardiness.

REMEMBER, "IF IT ISN'T WRITTEN DOWN AND DOCUMENTED, IT DIDN'T HAPPEN."

### SIGNS OF A TROUBLED EMPLOYEE CHECKLIST

The following serves as a guide to identifying a troubled employee. All employees exhibit some of the behaviors listed below. It is a pattern of job performance problems over a period of time that the supervisor should note and document.

Physical Signs
Weariness, exhaustion
Untidy appearance
Slurred speech
Sleepiness
Absenteeism
Multiple instances of unauthorized leave
Excessive sick leave
Frequent Monday and/or Friday absences
Repeated absences, particularly if they follow a pattern
Excessive tardiness, especially on Monday mornings or returning from lunch
Leaving work early
Peculiar and increasingly improbable excuses for absences
Higher absenteeism rate than other employees for colds, flu, gastritis, etc.
Frequent unscheduled short-term absences (with or without medical explanation)
"On-the-Job" Absenteeism
Continued absences from post more than job requires
Frequent trips to the water fountain or rest room
Long coffee breaks
Physical illness on the job
High Accident Rate
Accidents on the job
Accidents off the job
Disregards safety of others
Difficulty in Concentration
Work requires greater effort
Jobs take more time
Confusion
Difficulty in recalling instructions, details, etc.
Increasing difficulty in handling complex assignments
Difficulty in recalling own mistakes
Reporting to Work
Coming to/returning to work in an obviously abnormal or impaired condition

Generally Lo	owered Job Efficiency
Missed	deadlines
Mistak	es due to inattention or poor judgment
	g more material
Making	g bad decisions
_	ow productivity
_	able excuses for poor job performance
Poor Employ	yee Relationships on the Job
Overre	action to real or imagined criticism
	wings in morale/mood
	ving money from co-workers
	onable resentments
Comple	aints from co-workers
-	I to accept authority
Avoida	ince of co-workers and supervisor
Mood	
Appear	rs depressed or anxious a lot of the time
Is irrita	ble
Is susp	icious
-	cionally unsteady, i.e. has outbursts of crying
<b>Unusual Beh</b>	avior
Tempe	r tantrums
Physica	al violence
-	onal outbursts

Remember that the supervisor is not to make a diagnosis based on the employee's behavior. Simply state to the employee the specific observed deficiencies. Let the employee know about the need to improve the deficiencies, and make the referral to the ECS when appropriate.

### THE FORMAL REFERRAL

ECS recommends that a supervisor contact Department of Justice for recommendations and Department of Personnel Management as a resource before initiating the formal referral process to ensure that every step of the referral process is in agreement with Navajo Nation's Policies and Procedures. Supervisors are also encouraged to contact ECS <u>prior</u> to the actual meeting with the employee. ECS provides unlimited consultation to the supervisor about how to handle an employee with job problems and guides the supervisor through the process of referring the employee to ECS. Supervisors may call the Counselor as often as necessary for guidance on how to handle an employee with job performance problems.

The ECS Counselor will help to determine if a referral is appropriate, review documentation of job performance deficiencies and discuss ways to approach the employee regarding performance problem. The supervisor will be advised on how to handle the situation if the employee refuses the ECS referral. Confidentiality requirements and regulations will be explained to the supervisor.

The ECS counselor helps the employee by identifying the problem(s), developing a plan to resolve the problem(s), providing short-term counseling and referring to appropriate and affordable community resources when needed.

The supervisor has the responsibility of referring an employee to ECS when there are job performance problems that cannot be attributed to (1) a lack of competence or (2) a lack of understanding of job expectations. The supervisor first evaluates whether the employee has the knowledge, experience, and ability to perform the job. Instead of ECS counseling, the employee may simply need more training, a transfer to another job or motivation inducements.

If the employee has the competence to do the job, the supervisor verifies that the employee <u>understands</u> the expectations for satisfactory job performance. The employee may not be aware that their performance is not meeting expected standards. In this case, the supervisor conveys the expected level of performance.

When the supervisor has ruled out that job deficiencies or failure to understand job expectations are not attributable to a lack of competence, it is then appropriate to refer the employee to ECS. It is most effective to refer the employee in the early stages of declining job performance because if the supervisor delays in making the referral, the employee's personal problems may become progressively more severe and job performance becomes more difficult to correct.

Often supervisors are hesitant to confront the employee fearing that it will result in anger and/or a damaged relationship. However, a constructive confrontation is one of the most effective methods to assist an employee with on-going work, attendance and behavior problems.

It is not necessary for the supervisor to know that the employee is having personal problems to make a referral; only that there is a problem with job performance or conduct. The ECS counselor will evaluate whether job deficiencies are due to personal problems. Additionally, supervisors should not attempt to diagnose or counsel the employee. The role of the supervisor is to identify the need for a referral by documenting job performance, attendance and behavior.

From there, the supervisor will meet with the employee and determine if there will need to be a referral to ECS.

It is damaging to the employee, co-workers, supervisor and the workplace to ignore or cover up unacceptable behavior. Delaying the confrontation can result in the supervisor feeling more frustrated with the employee and making it more difficult to be supportive. It also hurts the employee because their personal and job issues will likely worsen with time.

### STEP BY STEP PROCESS FOR FORMAL REFERRALS

### **Step 1: Preparation**

- 1. Know Navajo Nation's Policies and Procedures for performance review meetings with employees and implementing disciplinary actions. Consult with the Department of Personnel Management if there are any questions about policies and procedures.
- 2. Select a time and place for the discussion that facilitates privacy and no interruptions.
- 3. Have all attendance, conduct and work performance problems documented and ready to review with the employee.
- 4. Outline changes the employee needs to make to correct performance deficiencies. Be clear about your expectations for the employee.
- 5. Rehearse what you want to communicate to the employee so you can remain more in control of the discussion.
- 6. Be prepared to cope with employee resistance, denial, excuses, defensiveness, and possible hostility.

### **Step 2: Meeting**

- 1. Be supportive--let the employee know that you want to help. Show respect and do not become angry or argumentative.
- 2. Review work problems with the employee. Do not accept excuses for poor work or be put off by sympathy-provoking tactics. Be careful not to give opinions about possible personal problems. Stick to specific job performance behaviors, citing concrete facts.
- 3. Inform the employee of what specifically needs to be done to correct job problems.
- 4. Explain to your employee why you are making the referral to ECS. Base the explanation on conduct or performance issues. Emphasize that the goal is to restore the employee's productivity. Referral to the ECS is a <u>corrective</u> action, not a disciplinary action. Present it in a way that the employee understands that while the referral is recommended, it is also <u>voluntary</u>.
- 5. Tell the employee that ECS will provide a problem assessment, short term counseling and referral to appropriate, affordable community resources, if needed.

- 6. Specify further actions that will be taken if there is no performance improvement. Do not threaten.
- 7. Inform the employee that Navajo Nation ECS will request that a release of information form be signed, permitting Navajo Nation ECS to provide the supervisor with the following needed information:
  - Attendance at ECS and counseling appointments
  - Recommendations resulting from the ECS assessment

In some cases, such as when a safety-related employee is referred for an alcohol and drug abuse evaluation or has signed a Last Chance Agreement with the employer, a release of information permitting more extensive disclosures may be requested. In these cases, the supervisor may be informed of the recommendations, compliance with the recommendations, progress in counseling and whether any accommodations are needed, such as time off from work for treatment.

If, during the meeting, the employee admits to having personal problems such as alcoholism, support the employee for being honest. However, be careful not to be lulled into exploring the problem in more depth or taking on the role of counselor. Continue to encourage the employee to seek help through the ECS. During the meeting, do not:

- Make value judgments
- Moralize
- Question why the employee does certain things because "why" serves as an excuse
- Analyze the problem
- Make idle disciplinary threats

### Step 3: Employee Acceptance/Rejection of ECS Referral

If the employee agrees to be assessed by ECS, it is best for the supervisor to arrange the initial appointment. This allows Navajo Nation ECS to notify the supervisor without breaking confidentiality if the employee does not keep the appointment. Also, employees may delay making the appointment or may not specify that their supervisor referred them. When the supervisor calls Navajo Nation ECS, it is very helpful for pertinent information regarding the employee to be shared.

Clarify with the employee whether the initial appointment is to be taken on the employer's time, sick leave or Paid Time Off.

Acceptance of the ECS referral is voluntary. If the employee refuses the referral, continue to monitor employee job performance and take appropriate disciplinary measures. At each stage of the disciplinary process, encourage the employee to contact ECS.

Document the discussion with the employee regarding job performance and referral to ECS. A memo may be given to the employee stating their unacceptable job performance and specifying

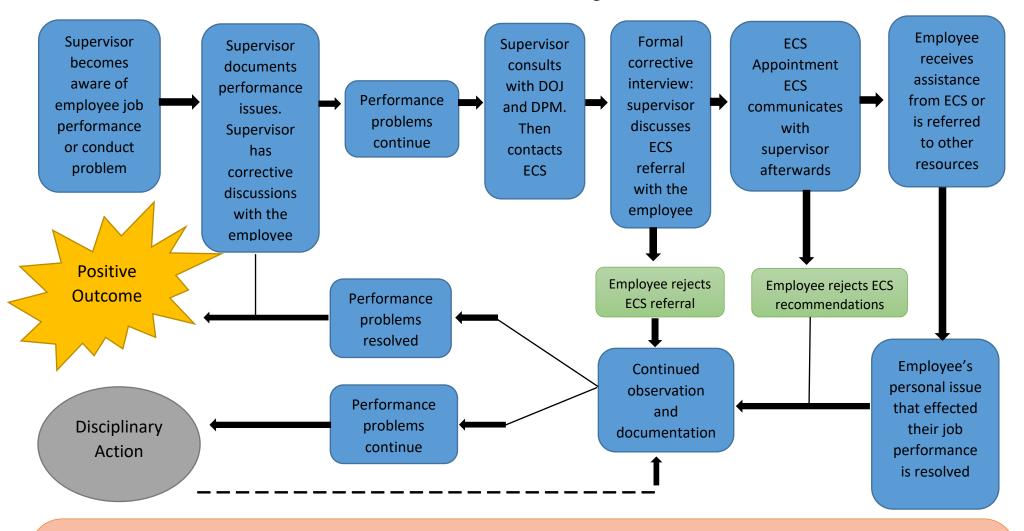
job standards for improvement. The memo should reiterate that it is recommended that the employee contact ECS, and that attendance is voluntary, free and confidential.

### **Step 4: Follow-up and Monitoring**

After the employee's first ECS session, and every subsequent session, the counselor will then communicate with the referring supervisor/manager to provide feedback. Information is shared with the supervisor/manager only if the employee has signed a Consent to Release information. Even with a release, only relevant information is disclosed. The nature of the personal problem is not revealed.

Continue to monitor job performance, conduct and provide the employee with appropriate feedback. Please notify ECS about changes in the employee's job performance or when new events occur in your workplace that are relevant to the employee or the referral you made to ECS. Expect the employee to bring their work up to a satisfactory level. If the employee is partaking in ECS, they are not excused from meeting job performance or conduct expectations. Remember, the purpose of ECS is to help an organization return employees to expected levels of performance and/or conduct. Be sure to document all follow-up actions and all follow-up meetings with the employee. It creates a record that will be important if job action needs to be taken.

### ECS Formal Referral Diagram



Notes: A supervisor may informally refer an employee to ECS at any time they become aware of an employee that may benefit from ECS services even when there is no job performance issue.

When ECS assists a supervisor in making a referral, ECS will review the appropriateness of the referral, provide guidance to the supervisor and obtain a timely ECS counseling appointment for the employee. There will also be assistance in obtaining the employee's permission for disclosures about ECS attendance, recommendations and their compliance with the service.

# SCRIPT FOR ADDRESSING WORK PERFORMANCE/CONDUCT PROBLEMS WITH AN EMPLOYEE

"Thank you for meeting with me today. Let me explain the purpose for our meeting. I want to give you some important feedback on your work. I've been looking at my records for the past \_\_\_\_ months. Let me start by covering the positive areas in your work performance."

### LIST POSITIVE AREAS IN EMPLOYEE'S WORK PERFORMANCE.

"We are very appreciative of the hard work you have done in these areas, and value these assets you bring to the agency."

"There are, however, a couple of areas in your work that have not been as strong and are not up to the standards that we need to see from you. I would like to go over these areas with you and then see if we can work out a plan to bring these areas back up to the expected level."

### LIST SPECIFIC PROBLEM AREAS, SUPPORTED BY DOCUMENTATION.

"These are the areas in which we would like to see improvement. Before we move to developing a plan for improvement, I want to find out if you had any questions or comments."

# GIVE THE EMPLOYEE A CHANCE TO GIVE FEEDBACK OR RAISE QUESTIONS BEFORE MOVING TO THE NEXT STEP.

"The first part of developing a plan is to clarify what expectations need to be met."

CLARIFY JOB PERFORMANCE OR CONDUCT EXPECTATIONS.
CLARIFY THE TIME FRAME IN WHICH CHANGES NEED TO OCCUR.
WORK WITH THE EMPLOYEE TO DEVELOP A PLAN TO MEET THESE
EXPECTATIONS WITHIN THE SPECIFIED TIME FRAME.

"I need for you to be aware that the agency is serious about the need for these changes to occur. If this plan is not successful in bringing your work up to the level that we need to see, there may be consequences in accordance with the Navajo Nation's policies and procedures for progressive discipline."

# OUTLINE POTENTIAL CONSEQUENCES IF THE EMPLOYEE DOES NOT CHANGE, IN ACCORDANCE WITH PROGRESSIVE DISCIPLINE POLICY.

"At this point, I want to offer you some additional help and support in meeting the agency's expectations. I am referring you to the Employee Counseling Services. If there are any personal matters that are affecting work performance, they will offer you counseling help and support.

I can't require you to go. ECS is a voluntary service and it is not part of the disciplinary process. Instead, it is an offer of help made by the department in good faith. ECS is also confidential, even when the referral is made in this way. ECS can provide me with information only if you give written permission. Only relevant information is provided, not personal information. For

instance, with a signed release, ECS will let me know if you are attending the ECS sessions and if you are working on a plan to get your job back up to the expected level.

Whether you go to the ECS or not, we are going to get back together in \_\_\_\_ weeks to see what progress has been made in your work performance.

Are there any questions?"

### DOCUMENTING AN EMPLOYEE REFERRAL TO ECS

Each employee meeting and referral to the ECS should be carefully documented. The documentation should include all the following information:

- The date and time of the meeting with the employee
- The name and title of all participants in the meeting
- The name and position of the employee
- The nature of the work performance or conduct problems leading to the confrontation, including the documented times and dates those problems were observed
- Employee comments or feedback on the work performance or conduct problems discussed
- The plan for improving the work performance or conduct problems
- The name of the ECS Counselor contacted in preparation for the ECS referral and any recommendations made by the ECS Counselor
- Information about whether the ECS appointment has been scheduled by the Supervisor or will be scheduled by the employee
- The date and time of the first ECS visit, if known
- Any disciplinary measures enacted, with reference to the relevant policies and procedures
- The date of the next scheduled follow-up meeting
- Any additional comments
- Supervisor's name and signature

In addition to documenting for the maintenance of good employee records, it is strongly recommended that a memorandum be given to the employee recording your intention to refer them to ECS. This memo should include a description of the problems necessitating the referral and any important information about the purpose for the referral. A sample of a memorandum to the employee is included in this supervisory guide.

### SAMPLE MEMO TO EMPLOYEE FOR A FORMAL REFERRAL

### **MEMORANDUM** TO NAME OF EMPLOYEE, TITLE DIVISION/DEPARTMENT **FROM** (Signature)\_ NAME OF SUPERVISOR, TITLE DIVISION/DEPARTMENT DATE January 1, 2020 **SUBJECT:** FORMAL REFERRAL TO EMPLOYEE COUNSELING **SERVICES** I am writing this memorandum to advise you that deficiencies have been noted in your conduct and/or work performance over the past months. In order to help you to improve your work performance and/or conduct, I will address each area of concern and clarify my expectations for improvements. To provide you with additional help in resolving these work performances and/or conduct problems, I am referring you to the Navajo Nation Employee Counseling Services. This service provides professional assessment, counseling and referral services to help employees who are experiencing work problems. Their telephone number is 928-871-6530. Your use of this service is confidential and no information can be released to me or anyone else without your written permission. Below is a list of areas of concern that have necessitated these actions: 1) (List problem area one). (Example: Unexcused work absences) (List dates and times when conduct or work performance problems were noted) (Example: on 12/12/00, at 0900, you left work for the day without securing permission for the absence.) (Describe expected improvement) (Example: Itis my expectation that there will be no further unexcused absences for the remainder of this year.) 2) (List problem area two). (Follow same approach for each problem area – list dates and times when problems noted, then clarify expectations for improvement) We will meet on <u>(date)</u> at <u>(time)</u> to evaluate your progress in improving your work performance and/or conduct. It is my hope that you will contact ECS and make use of their services to assist you in correcting the concerns that have been addressed in this memo. The referral to ECS is not a disciplinary action; it is a corrective action. You will not be disciplined if you elect not to use ECS. However, you may be subject to disciplinary action if your professional behavior and performance do not improve - whether or not you decide to use ECS. Please see me if you have questions about any of the information contained in this memorandum I acknowledge receipt of this letter.

Date

John Doe

### MISTAKEN BELIEFS ABOUT MAKING REFERRALS TO THE ECS

Misconceptions that can interfere with supervisors making referral to ECS are described below:

**Belief:** "Someone as intelligent (nice, etc.) as Joe couldn't have these problems." **Effect:** If the supervisor has defined the employee as having characteristics not usually associated with chemical dependency, it's difficult to see that employee as having job problems that may indicate chemical dependency.

**Belief:** "Taking action would be so painful, it's just better to leave the situation alone." **Effect:** Believing that a confrontation would be worse than just putting up with the problem greatly limits the supervisor. The belief is mistaken, too. The situation won't simply continue as is; it will get worse.

**Belief:** "Referring the employee for counseling and treatment will damage their career." **Effect:** Any supervisor who believes that making a referral will harm an employee's career will naturally be reluctant to do so. Fortunately, this belief is erroneous. Actually, supervisory referrals are confidential, as are all ECS referrals.

**Belief:** "The management system here doesn't encourage supervisors to get involved in personal problems." Some of the barriers that supervisors may perceive in the system include:

- Complex disciplinary procedures
- Unsupportive upper management
- Unclear performance standards

**Effect**: This behavior promotes low motivation in the supervisor. Even if some barriers exist, supervisors must take action. Failure to do so may result in a decline in the employee's performance and an increasing number of problems in the work group. As others become affected and the total quality of work decreases, the supervisor's own performance becomes impaired. Then the supervisor really has a problem.

### ENABLING BEHAVIORS TO AVOID IN THE WORKPLACE

- Don't ignore problems because of your own worries about doing confrontations
- Don't ignore or avoid problems until they reach the critical stage
- Don't avoid confronting employees because of your personal relationship with them
- Don't accept excuses for ongoing job performance problems
- Don't transfer an employee to "fix" the problem
- Don't allow employees to talk you out of using the ECS and into using "their own solutions" for taking care of personal problems that affect job performance
- Don't threaten disciplinary actions without following through

### HELPING AN EMPLOYEE UPON RETURN TO WORK AFTER AN EXTENDED ABSENCE FOR TREATMENT

The supervisor, employee, and co-workers may experience discomfort when an employee has taken time off from work for the treatment of alcoholism, drug addiction or psychological disorders. There may be concern about the well-being or stability of the employee, as well as fear of saying or doing the wrong thing. The employee may feel embarrassed over the possibility that others know their personal problems. The supervisor and co-workers may be skeptical that the employee can adequately do their job. ECS can advise the employee and supervisor on how to help make a smooth transition back to the job.

The supervisor can help the employee re-adjust to the work site in a number of ways:

- Show interest and concern for the employee without being sympathetic or overprotective. At the other extreme, do not be overly demanding.
- Provide reinforcement for improvements in job performance, conduct, and attendance.
- Encourage the employee to follow through with any ECS recommendations for aftercare such as twelve-step groups and counseling.
- Treat the employee like an employee, not like an alcoholic or drug addict. Keep the focus on job performance.
- Do not share personal information about the "troubled" employee with other employees. Limit your comments to remarks such as "Joe will be returning to work on Monday." If employees ask questions about Joe, instruct them to discuss the matter further with Joe.
- Do not overlook any job problems that resurface. It may indicate that the employee has relapsed on alcohol or drugs. Again, refer the employee to ECS for additional aftercare support.

After an employee completes ECS counseling or treatment services, there are often immediate on-the-job changes. Attendance and punctuality may greatly improve. The employee may be more energetic, cooperative, and polite. Many employees are able to perform their job remarkably well in a short period of time. However, some alcoholics and drug addicts experience neurological impairment that can take up to one year to fully recover. The employee may experience difficulty remembering, concentrating and sleeping. Consequently, it may take a while before there are significant improvements in job functioning. However, there should be a pattern of steady improvement in job performance.

Because the supervisor can have a positive impact on the employee's recovery, it is helpful to learn about alcoholism, addiction and recovery. ECS is available to provide this information.

## Navajo Nation Employee Counseling Services

Contact Information:

<u>Ronda Roan, LSAA/Counselor</u>

P.O Box 1360

Window Rock, AZ 86515

Phone: (928) 871-6530

Mobile: (928) 206-7533

Fax: (928) 871-6408

rondaroan@navajo-nsn.gov

ECS is located in Administration Building 1 on the 2nd floor in Window Rock, AZ

### OTHER RESOURCES:









Help is Just a Phone Call Away

Call 1-855-609-9989 or log on to

https://griefcounseling.harrisrothenberg.net/default.aspx

NAVAJO NATION DEPARTMENT of BEHAVIORAL AND MENTAL HEALTH SERVICES

(928) 871-6235

(928) 871-6240

www.nndoh.org/dbhs.html

### IN ANY CRISIS SITUATION PLEASE CALL 9-1-1